

1 MICHAEL JAY BERGER (State Bar # 100291)  
2 LAW OFFICES OF MICHAEL JAY BERGER  
3 9454 Wilshire Blvd. 6<sup>th</sup> Floor  
4 Beverly Hills, CA 90212-2929  
5 Telephone: (310) 271-6223  
6 Facsimile: (310) 271-9805  
7 michael.berger@bankruptcypower.com

8 Proposed Counsel for Debtor and Debtor-in-Possession,  
9 Mr. Tortilla, Inc.

10 UNITED STATES BANKRUPTCY COURT

11 CENTRAL DISTRICT OF CALIFORNIA

12 SAN FERNANDO VALLEY DIVISION

13 In re: ) CASE NO.: 1:24-bk-10228-VK  
14 Mr. Tortilla, Inc., ) Chapter 11  
15 Debtor and Debtor-in-Possession ) DECLARATION OF PETER GARZA  
16 ) REGARDING TELEPHONIC NOTICE OF  
17 ) DEBTOR'S (1) EMERGENCY MOTION  
18 ) FOR ORDER AUTHORIZING INTERIM  
19 ) USE OF (2) CASH COLLATERAL,  
20 ) PAYMENT OF PRE-PETITION WAGES  
21 ) AND RELATED EXPENSES;  
22 ) MEMORANDUM OF POINTS AND  
23 ) AUTHORITIES; AND (3) EMERGENCY  
24 ) MOTION FOR ORDER AUTHORIZING  
25 ) DEBTOR TO PROVIDE ADEQUATE  
26 ) ASSURANCE OF PAYMENT TO UTILITY  
27 ) SERVICE PROVIDERS  
28 )  
29 ) Hearing on Cash Collateral and Payroll  
30 ) Motions:  
31 ) Date: February 22, 2024  
32 ) Time: 2:00 p.m.  
33 ) Place: Courtroom 301  
34 ) Location: 21041 Burbank Blvd.  
35 ) Woodland Hills, CA 91367  
36 )  
37 ) Hearing on Utility Services Motion  
38 ) Date: February 29, 2024  
39 ) Time: 1:30 p.m.  
40 ) Place: Courtroom 301  
41 ) Location: 21041 Burbank Blvd.  
42 ) Woodland Hills, CA 91367  
43 )  
44 )

## **DECLARATION OF PETER GARZA**

I, Karine Manvelian, declare as follows:

1. I am currently employed by Law Offices of Michael Jay Berger. I am over the age of 18 and not a party to the within action. My business address is 9454 Wilshire Blvd., 6th Floor, Beverly Hills, California 90212. I have personal knowledge of the facts set forth herein and if called as a witness, I could and would competently testify to those facts in a court of law.

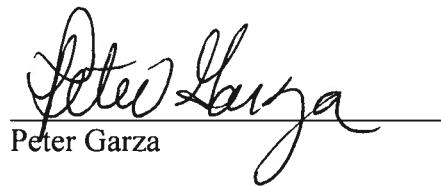
2. On February 21 2024, before the 11:00 a.m. deadline set by the Court, I gave telephonic Notice of the hearing for Mr. Tortilla, Inc's, Emergency Motion for Order Authorizing Use of Cash Collateral ("Cash Collateral Motion"), Payment of Pre-Petition Wages and Related Expenses (the "Payroll Motion") scheduled for February 22, 2024 at 2:00 p.m., and Emergency Motion to Provide Adequate Assurance of Payment to Utility Service Provider ("Utilities Motion") scheduled for February 29, 2024 at 1:30 p.m. with detailed instructions for any oppositions and method of appearance on the following parties secured parties:

1. 8FIG Advance  
Attn: Legal Dept.
  2. Blue Bridge Financial  
Attn: Legal Dept.
  3. Bluevine  
Attn: Officer
  4. Cedar Advance  
Attn: Simon Cedar
  5. Financial Pacific Leasing  
Attn: Allison Sweet
  6. Huntington Valley Bank  
Attn: Erin

- 1      7. Mercury Capital
- 2      8. Metropolitan Capital Bank & Trust  
3            Attn: Jeffrey Brown
- 4      9. Parkside Funding Group LLC  
5            Attn: Adriana Harris
- 6      10. Partners Personnel Management Services, LLC  
7            Attn: Cherly Carty
- 8      11. Robert Reiser and Company
- 9      12. Sand Park Capital  
10            Attn: Simon Cedar
- 11     13. Sellers Funding  
12            Attn: Officer
- 13     14. Shopify Capital
- 14     15. Slope Advance  
15            Attn: Ashish Jain
- 16     16. Spartan Capital  
17            Attn: Jason Gang

18       I declare under penalty of perjury that the foregoing is true and correct. Executed  
19       this 21<sup>st</sup> day of February 2024, at Beverly Hills, California.

20       By:

21         
22       Peter Garza

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
9454 Wilshire Blvd., 6<sup>th</sup> Fl., Beverly Hills, CA 90212

A true and correct copy of the foregoing document entitled (*specify*): DECLARATION OF PETER GARZA REGARDING TELEPHONIC NOTICE OF DEBTOR'S (1) EMERGENCY MOTION FOR ORDER AUTHORIZING INTERIM USE OF (2) CASH COLLATERAL, PAYMENT OF PRE-PETITION WAGES AND RELATED EXPENSES; MEMORANDUM OF POINTS AND AUTHORITIES; AND (3) EMERGENCY MOTION FOR ORDER AUTHORIZING DEBTOR TO PROVIDE ADEQUATE ASSURANCE OF PAYMENT TO UTILITY SERVICE PROVIDERS will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 2/21/2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Debtor's Proposed Counsel: Michael Jay Berger [michael.berger@bankruptcypower.com](mailto:michael.berger@bankruptcypower.com),  
[yathida.nipha@bankruptcypower.com](mailto:yathida.nipha@bankruptcypower.com); [michael.berger@ecf.inforuptcy.com](mailto:michael.berger@ecf.inforuptcy.com)  
U.S. Trustee: Katherine Bunker [kate.bunker@usdoj.gov](mailto:kate.bunker@usdoj.gov)  
United States Trustee (SV) [ustpregion16.wh.ecf@usdoj.gov](mailto:ustpregion16.wh.ecf@usdoj.gov)

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (date) \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 2/21/2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Victoria Kaufman  
United States Bankruptcy Court  
Central District of California  
21041 Burbank Boulevard, Suite 354 / Courtroom 301  
Woodland Hills, CA 91367 United States Bankruptcy Court

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

2/21/2024  
Date

Yathida Nipha  
Printed Name

/s/Yathida Nipha  
Signature